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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,321

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Nicholas Stamos

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EXAMINER

BAUM, RONALD

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/750,321	Applicant(s) STAMOS ET AL.	
	Examiner Ronald Baum	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/27/2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in reply to applicant's correspondence of 27 October 2005.
2. Claims 1- 12 are pending for examination.
3. Claims 1- 12 remain rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Teal et al, U.S.

Patent Application Publication US 2003/0120935 A1.

4. As per claim 1; "An agent process for controlling access to digital assets in a data processing environment comprising [para. 0002-0106, figures 1-3 and associated descriptions]:  
sensing atomic level asset access events, the sensing step located within an operating system kernel within a user client device [para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (i.e., para. 0038-0042,0061,0067,0074-0077) clearly encompasses the memory access functions (i.e., read/write/modify per se, both at the application level to the operating system levels/layers) in all associated address spaces, as broadly interpreted by the examiner.];

aggregating multiple atomic level events to determine a combined event [para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent logging/analysis/resulting operational restrictions on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0045,0049-0051,0067-0075,0100-0106) clearly encompasses the “aggregating multiple atomic level events ... combined event ...”, as broadly interpreted by the examiner.]; and

asserting an encryption policy if a at least one combined event has occurred that matches a predefined digital asset usage risk policy [para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent logging/analysis/resulting operational restrictions (i.e., encryption/authentication of code, etc.,) on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106) clearly encompasses the “...encryption ... event has occurred ... usage risk policy ...”, as broadly interpreted by the examiner.]”.

5. Claim 2 ***additionally recites*** the limitation that; “A process as in claim 1 wherein the step of asserting the encryption policy is implemented in an operating system kernel of the client user device.”.

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (clearly at the kernel level of the operating system) and subsequent logging/analysis/resulting operational restrictions (i.e., encryption/authentication of code, etc.,) on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-

Art Unit: 2136

0106) of both client/server, and network processing elements per se, clearly encompasses the “...encryption policy ... kernel ... client user device ...”, as broadly interpreted by the examiner.).

6. Claim 3 *additionally recites* the limitation that; “A process as in claim 1 additionally comprising:

encrypting an associated digital asset.”.

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent operational restrictions (i.e., encryption/authentication of code, etc.) on access, and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106) of both client/server, and network processing elements per se, clearly encompasses the “...encrypting an associated digital asset”, as broadly interpreted by the examiner.).

7. Claim 4 *additionally recites* the limitation that; “A process as in claim 1 wherein the combined event is

a time sequence of multiple atomic level events.”.

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls (i.e., inherently a real time sequence of “multiple atomic level events”) to the operating system and subsequent operational restrictions, event logging, etc., on access, and system configuration functions (i.e., para. 0008,0023-0024,0040-0041,0045,0051-0052,0067,0074-0080,0085-0089,0098-0106), clearly

Art Unit: 2136

encompasses the "...combined ... time sequence of multiple ... events", as broadly interpreted by the examiner.).

8. Claim 5 *additionally recites* the limitation that; "A process as in claim 2 that operates independently of application software."

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent operational restrictions, event logging, etc., on access, and system configuration functions (i.e., para. 0037-0045,0051,0061,0067-0078,0100-0106), clearly encompasses the "...independently of application software", as broadly interpreted by the examiner.).

9. Claim 6 *additionally recites* the limitation that; "A process as in claim 1 wherein the sensing,  
aggregating, and  
asserting steps operate in real time."

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls (i.e., inherently a real time sequence of "multiple atomic level events") to the operating system and subsequent operational restrictions, event logging, etc., on access, and system configuration functions (i.e., para. 0008,0023-0024,0040-0041,0045,0051-0052,0067,0074-0080,0085,0089,0098-0106), clearly encompasses the "... sensing, aggregating, and asserting ... real time", as broadly interpreted by the examiner.).

10. Claim 7 ***additionally recites*** the limitation that; “A process as in claim 1 additionally comprising:

determining a sensitivity of a particular digital asset in the asset access event; and  
adaptive encryption to the digital asset, optionally depending upon sensitivity of the particular digital asset.”.

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent operational restrictions (i.e., encryption/authentication of code, etc.,) on access, and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106), and, whereas the sensitivity corresponds to security/encryption/keying levels, clearly encompasses the “...sensitivity ... asset ... adaptive encryption ... .. sensitivity of the particular digital asset”, as broadly interpreted by the examiner.).

11. Claim 8 ***additionally recites*** the limitation that; “A process as in claim 1 wherein the combined event specifies

an action to be taken with the digital asset.”.

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent logging/analysis/resulting operational restrictions on access (i.e., to applications execution per se), and system configuration functions (i.e., para. 0038-0045,0049-0051,0067-

Art Unit: 2136

0075,0100-0106) clearly encompasses the "... combined ... action to be taken ... asset ...", as broadly interpreted by the examiner.).

12. Claim 9 *additionally recites* the limitation that; "A process as in claim 2 additionally comprising:

at the client user device,

applying encryption of the encryption policy specified the digital asset to be encrypted."

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system and subsequent operational restrictions (i.e., encryption/authentication of code, etc.,) on access, and system configuration functions (i.e., para. 0038-0051,0069-0072,0078-0106), and, whereas the sensitivity corresponds to security/encryption/keying levels, clearly encompasses the "...client ... encryption ... policy specified ... asset to be encrypted", as broadly interpreted by the examiner.).

13. Claim 10 *additionally recites* the limitation that; "A process as in claim 9 additionally comprising:

forwarding the digital asset to a second client use device; and

asserting an encryption policy at the second client use device."

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (inclusive of

Art Unit: 2136

client, client/server, networked per se configurations) and subsequent operational restrictions (i.e., software applications/assets in a 2<sup>nd</sup> computer user space/memory, encryption, authentication of code, etc.,) on access, and system configuration functions (i.e., para. 0044-0053,0062-0069,0084,0100-0106), clearly encompasses the "...forwarding ... second client ...encryption policy ... second client ...", as broadly interpreted by the examiner.).

14. Claim 11 *additionally recites* the limitation that; "A process as in claim 10 additionally comprising:

applying decryption at the second client user device."

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (inclusive of client, client/server, networked per se configurations and functionality) and subsequent operational restrictions (i.e., software applications/assets in a 2<sup>nd</sup> computer user space/memory, encryption, authentication of code, with subsequent decryption associated with said encryption, etc.,) on access, and system configuration functions (i.e., para. 0044-0053,0062-0069,0084,0100-0106), clearly encompasses the "... decryption ... second client ...", as broadly interpreted by the examiner.).

15. Claim 12 *additionally recites* the limitation that; "A process as in claim 9 additionally comprising:

forwarding the digital asset to a second client user device; and

not asserting an encryption policy at the second client user device, so that if the encryption policy specifies encryption, the digital asset cannot be read at the second client user device.”.

The teachings of Teal et al are directed towards such limitations (i.e., para. 0002-0106, figures 1-3 and associated descriptions, whereas the trapping of calls to the operating system (inclusive of client, client/server, networked per se configurations) and subsequent operational restrictions (i.e., software applications/assets in a 2<sup>nd</sup> computer user space/memory, encryption, authentication of code, etc.,) on access, and system configuration functions (i.e., para. 0044-0053,0062-0069,0084,0100-0106), whereas configuration of kernel software operational to effect the call servicing and resulting configuration of security and encryption policies clearly encompasses the “...forwarding ... second client ... not asserting an encryption ... second client ... cannot be read at the second client user device...”, as broadly interpreted by the examiner.).

***Response to Amendment***

16. As per applicant's argument concerning the lack of teaching by Teal et al of a client agent process, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive. The Teal et al system and method (i.e., para. 0002,0005,0033) implemented as *resident in the OS kernel* (from which said system software executes) clearly encompasses a client agent process, as *broadly interpreted by the examiner*. Therefore, as being *broadly interpreted by the examiner*, as per the claim language, would therefore be applicable in the rejection, such that the rejection support reference collectively encompass the said claim limitations in their entirety.

17. As per applicant's argument concerning the lack of teaching by Teal et al of monitoring of digital assets, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive. The Teal et al system and method (i.e., para. 0044-0045) implemented as *resident in the OS kernel* from which the associated OS elements, and linked up to the application level from a memory space context, clearly encompasses a protected and monitored digital asset per se, as *broadly interpreted by the examiner*. Therefore, as being *broadly interpreted by the examiner*, as per the claim language, would therefore be applicable in the rejection, such that the rejection support reference collectively encompass the said claim limitations in their entirety.

Art Unit: 2136

18. As per applicant's argument concerning the lack of teaching by Teal et al of encrypting files, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive. The Teal et al system and method (i.e., para. 0090-0097) at the very least in the process of the hashing, authentication and associated implementation of security services in support of the kernel security, will perform said cryptographic services on files per se (again, at the kernel level of the OS, up to the application level; from a memory space context), as the typical data structure for which the cryptographic services are applied, as *broadly interpreted by the examiner*. Therefore, as being *broadly interpreted by the examiner*, as per the claim language, would therefore be applicable in the rejection, such that the rejection support reference collectively encompass the said claim limitations in their entirety.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

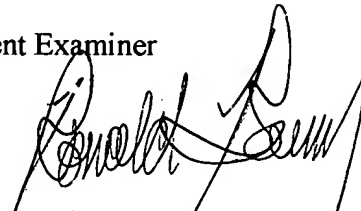
20. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

  
Cel  
Primary Examiner  
AU213  
11/3/06